



Planning Commission Meeting

December 9, 2021 - 7:00 PM

Newberg city hall

(teleconference meeting - instructions to join electronically at

www.newbergoregon.gov email comments to bobbie.morgan@newbergoregon.gov)

I. CALL MEETING TO ORDER

II. ROLL CALL

III. PUBLIC COMMENTS

(5-minute maximum per person - for items not on the agenda)

IV. CONSENT CALENDAR

IV.A Planning Commission Meeting Minutes

[PC Minutes 2021-1110.pdf](#)

V. NEW BUSINESS

V.A Technical Assistance Grant: Multifamily Code Audit

[PC_Memo_Dec_9_2021_TA_Grant_Code_Audit_Overview.docx](#)

VI. ITEMS FROM STAFF

VI.A Planning Commission Activities

[Memo Planning Commission Activities 2021.doc.docx](#)

VII. ITEMS FROM COMMISSIONERS

VIII. ADJOURNMENT

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

In order to accommodate persons with physical impairments, please notify the Community Development Department Office Assistant II of any special physical or language accommodations you may need as far in advance of the meeting as possible as and no later than 48 business hours prior to the meeting. To request these arrangements, please contact the Office Assistant at (503) 537-1240. For TTY services please dial 711.

Planning Commission Agenda Item Report

Meeting Date: December 9, 2021

Submitted by: Bobbie Morgan

Submitting Department: Community Development

Item Type: PC APPROVAL OF MINUTES

Agenda Section:

Subject:

Planning Commission Meeting Minutes

Suggested Action:

Motion for Approval of Meeting Minutes from November 10, 2021

Attachments:

[PC Minutes 2021-1110.pdf](#)



NEWBERG PLANNING COMMISSION MINUTES

November 10, 2021, 7:00 pm

414 E First St.

City Hall Permit Center Conference Room

Newberg Teleconference

(This is for historical purposes as meetings are permanent retention documents and this will mark this period in our collective history)

Chair Jeffrey Musall called the meeting to order at 7:03 p.m.

PLANNING COMMISSION ROLL CALL:

Members present: Jeffrey Musall, Chair
Jason Dale
Sharon Capri
Kriss Wright
Aiden Gray, Student

Members Absent: Jenna Morris
Charles Aban, excused

Staff present: Doug Rux, Community Development Director
Mary Heberling-Creighton, Housing Planner
Brett Musick, Senior Engineer

PUBLIC COMMENTS:

Jim Talt, Newberg resident, suggested public speaking registration instructions with a link to the form and an alternative phone number for computer challenged folks. He also asked for plain speaking summaries for planning proposals to be added to the legal descriptions.

CONSENT CALENDAR:

1. Approval of the October 14, 2021, Planning Commission meeting minutes

MOTION: PC Wright /PC Capri moved to approve the October 14, 2021, Planning Commission Meeting Minutes.
Motion carried (4 Yes/0 No).

LEGISLATIVE PUBLIC HEARING

1. CPTA21-0002, DCA21-0004, GEN21-001, GEN21-0012, GEN21-0013 A Resolution recommending City Council amend the Newberg Comprehensive Plan, Newberg Municipal Code, title 15 Development Code, 15.05.030, 15.100.020, 15.205.050, 15.205.060, 15.220.050, 15.220.060, 15.240.020, 15.302.032, 15.302.040, 15.302.200,, 15.305.020, 15.336.020, 15.340.020, 15.342.050, 15.342.100, 15.346.070, 15.346.070, 15.352.050, 15.405.010, 15.405.030,

15.405.040, 15.410.020, 15.410.030, 15.410.070, 15.415.020, 15.415.050, 15.420.010, 15.440.010, 15.440.020, 15.440.030, 15.440.060, 15.445.060, 15.445.070, 15.505.030, Appendix A, Northwest Newberg Specific Plan, Springbrook Oaks Specific Plan, and Springbrook Master Plan related to middle housing regulations (triplex, quadplex, cottage clusters, and townhomes)
Planning Commission Resolution: 2021-377

Call to Order:

Chair Musall opened public hearing at 7: 09 p.m.

Call for Abstentions, Bias, Ex-Parte Contact, Conflicts of Interest and Objections to Jurisdiction: None

Staff Report:

Elizabeth Decker, consultant, presented the staff report. These were amendments to the Comprehensive Plan, Municipal Code, and Master Plans to comply with HB 2001. She explained the middle housing project objectives, project development, public engagement, Comprehensive Plan housing policy amendments, and Development Code amendments for middle housing including housing definitions, permitted uses, minimum lot sizes, dimensional standards, project sizes, design standards, main entrance options, minimum window coverage, architectural features, cottage clustering and courtyard, parking standards, and additional standards. She also discussed the Master Plan updates to the NW Newberg Plan, Springbrook Oaks Plan, Airport, Springbrook Plan, Riverfront, and associated code amendments.

Community Development Director Rux shared the findings showing compliance with all the State and City goals and codes. The Middle Housing Citizens Advisory Committee and Affordable Housing Commission recommended approval of these amendments and staff concurred.

Public Testimony:

- a. Proponents: None
- b. Opponents, Undecided:
Jake Heister, Newberg resident, asked what had triggered these changes.

CDD Rux clarified the definition of Middle Housing and explained Newberg was considered a large city with a population over 25,000 and had to comply with HB 2001. He discussed the funding for the work and City Council direction on these amendments.

Mr. Heister was concerned about the unintended consequences to garbage, noise, groundwater, and number of cars per unit. CDD Rux said the analysis that was done said the City had sufficient transportation, wastewater, and stormwater to serve the additional middle housing. There was a deficiency in the water system related to fire flow and improvements were required. These improvements were added to the capital improvement program.

Mr. Heister wanted to make sure there were regulations in place to implement the middle housing. CDD Rux said state law required them to allow middle housing and they had followed all of the regulations from the state as well as the City's regulations.

Mr. Heister was concerned about maintaining the character of Newberg. CDD Rux said they had been given a mandate by the state that they had to comply with the new regulations and that was what they had done.

Ms. Decker said they were expecting about a 3% growth in middle housing as a result of these changes.

Chair Musall said every city had to comply and it leveled the playing field. He thought it would decrease the numbers overall as the middle housing would be spread over more areas.

Jim Talt, Newberg resident, asked if HB 2001 applied to new urban growth plans that were implemented after January 2021. CDD Rux responded if they were going to do a new master plan area, there was a January 2021 provision. However, they were not proposing any new master plan areas. They were modifying existing plans to comply.

Mr. Talt suggested they change the urban growth plan recommendation to the City Council that the plan be put to a vote on a normal election cycle.

Justin Morris, Newberg resident, discussed concerns about traffic and road maintenance.

CDD Rux noted two public comments that were in the supplemental material to the packet. One was regarding what the proposal meant for the Institutional zone. It would mean this zone would allow cottage cluster development. The other was from the Fair Housing Council giving the City a gold star for this work.

Chandler Schur, Newberg resident, asked if the area off Foothills Drive east of College Street was planned to be developed. CDD Rux said that area was part of the Northwest Specific Plan. There were changes to that plan to accommodate middle housing but most of that area was already developed out.

Mr. Morris asked if car camping would be permitted with these changes. CDD Rux responded no, it was not part of this proposal.

Close of Public Testimony:

Chair Musall closed the public testimony portion of the hearing at 8:02 p.m.

Staff Recommendation:

CDD Rux recommended approval of PC Resolution 2021-377.

Deliberation and Action by the Planning Commission:

Chair Musall thought most of the concerns about parking and traffic would be caused by single family housing and people coming from other cities rather than by middle housing.

PC Wright asked about these changes aligning with building code. CDD Rux said in the building code, duplexes were considered single family, but triplexes and quadplexes had different building code regulations.

The state mandate was to allow these types of units and multi-family was considered five units and above. The Building Code would need to be modified to comply.

Ms. Decker said this proposal would allow detached triplexes and quadplexes which could be considered under the single family code.

PC Capri was still concerned about parking and traffic. CDD Rux responded the administrative rule did not require a Transportation Planning Rule analysis to implement the provisions of HB 2001. With these new provisions, he expected about 57-58 units in the next 20 years and each of those would generate about ten trips per day which was minor. The majority of the traffic would come from single family homes. The community would continue to grow and traffic would increase, which was one reason for the Bypass and plans for additional highways to address the pass-through traffic so there was additional capacity on local roadways. Regarding parking, the administrative rule put a cap on the parking to one space per unit. Staff had worked to create parking space capability within the public roadway and when developers submitted an application, adequate parking would be a discussion.

MOTION: PC Capri/PC Dale moved to approve Resolution 2021-377 recommending City Council amend the Newberg Comprehensive Plan, Newberg Municipal Code, title 15 Development Code, 15.05.030, 15.100.020, 15.205.050, 15.205.060, 15.220.050, 15.220.060, 15.240.020, 15.302.032, 15.302.040, 15.302.200,, 15.305.020, 15.336.020, 15.340.020, 15.342.050, 15.342.100, 15.346.070, 15.346.070, 15.352.050, 15.405.010, 15.405.030, 15.405.040, 15.410.020, 15.410.030, 15.410.070, 15.415.020, 15.415.050, 15.420.010, 15.440.010, 15.440.020, 15.440.030, 15.440.060, 15.445.060, 15.445.070, 15.505.030, Appendix A, Northwest Newberg Specific Plan, Springbrook Oaks Specific Plan, and Springbrook Master Plan related to Middle Housing Regulations (triplex, quadplex, cottage clusters, and townhomes). Motion carried (4 Yes/0 No).

QUASI-JUDICIAL PUBLIC HEARING

1. ANX21-0003 Annex 187.76 acres of ten parcels and adjacent right-of-way, and Newberg-Dundee Bypass into the Newberg city limits.
Planning Commission Resolution: 2021-376

Call to Order: Chair Musall opened the public hearing at 8:16 p.m.

Call for Abstentions, Bias, Ex-Parte Contact, Conflicts of Interest and Objections to Jurisdiction: None

Reading of Quasi-Judicial Announcements: CDD Rux read the legal announcements.

Staff Report:

CDD Rux presented the staff report. This was a request for annexation of the former mill site. It would be an annexation of 187.76 acres of ten parcels and adjacent right-of-way and portions of the Newberg-Dundee Bypass. He explained the Comprehensive Plan designations for the area, location, zoning map, existing utilities, and approval criteria. Staff recommended approval.

Public Testimony:

Applicant:



PLANNING COMMISSION MEETING MINUTES

Dan Fricke, Senior Planner with ODOT, said this would fulfill an agreement with the city to develop this annexation when Phase 1 of the Bypass was completed. He concurred with staff's recommendation.

Proponents:

Mark Kramer, Newberg resident, asked about voter approved annexation. CDD Rux responded state law had changed and annexations no longer required voter approval.

Opponents, Undecided: None

Close of Public Testimony:

Chair Musall closed the public testimony portion of the hearing at 8:30 p.m.

Staff Recommendation:

CDD Rux said staff recommended adoption of Resolution 2021-376.

Deliberation and Action by the Planning Commission:

PC Wright asked about the comments from the Police Department about the reduction of General Fund money for public safety due to this annexation. She thought the new garbage rates could be used towards public safety.

CDD Rux responded that annexing property into the City would generate additional property tax revenue into the General Fund, not a reduction. The garbage rates were a franchise and franchise dollars went into the General Fund. During the annual budget process, the Budget Committee determined what the funding amounts would be.

PC Dale commented that this was one of the steps necessary to implement the Riverfront Master Plan that had been in the works for a long time.

MOTION: PC Wright/PC Dale moved to approve the Planning Commission Resolution 2021-376, ANX21-0003 to Annex 187.76 acres of ten parcels and adjacent right-of-way, and Newberg-Dundee Bypass into the Newberg city limits. Motion carried (4 Yes/0 No).

ITEMS FROM STAFF:

CDD Rux gave updates on upcoming agenda items.

The next Planning Commission meeting would be held on December 9, 2021, at 7:00 p.m.

ITEMS FROM COMMISSIONERS: None

ADJOURNMENT:

Chair Musall adjourned the meeting at 8:38 p.m.

Approved by the Newberg Planning Commission this December 9, 2021.



PLANNING COMMISSION MEETING MINUTES

Jeffrey Musall Planning Commission Chair

Bobbie Morgan, Office Assistant II

Planning Commission Agenda Item Report

Meeting Date: December 9, 2021

Submitted by: Bobbie Morgan

Submitting Department: Community Development

Item Type: PC NEW BUSINESS

Agenda Section:

Subject:

Technical Assistance Grant: Multifamily Code Audit

Suggested Action:

Update and Overview

Attachments:

[PC_Memo_Dec_9_2021_TA_Grant_Code_Audit_Overview.docx](#)

MEMORANDUM

TO: Newberg Planning Commission

FROM: Mary Heberling-Creighton, Housing Planner
Doug Rux, Community Development Director

SUBJECT: Technical Assistance Grant: Multifamily Code Audit – Update and Overview

DATE: December 9, 2021

In October 2021, the City of Newberg’s Community Development Department applied for a Department of Land Conservation and Development (DLCD) Technical Assistance Grant to conduct a code analysis and audit to ensure compliance with the Needed Housing statute as stated in ORS 197.307. The City received notice of being awarded the grant in late November 2021. Staff is providing information about the tasks and goals for this project and the commitment that is expected from Planning Commission.

Project Goals and Objectives

The primary objective of this Project is to prepare an audit and updates to the Comprehensive Plan and Development Code for compliance with Needed Housing as described in ORS 197.307. The audit will focus on clear and objective standards for multifamily housing (5+ units).

The consultant will perform an audit of the Development Code and Comprehensive Plan and deliver recommendations on amendments to ensure the Development Code and Comprehensive Plan are meeting state rules and regulations. The consultants will also be asked to identify any duplicative or conflicting areas between the Development Code and the Comprehensive Plan.

Citizen Advisory Committee (CAC)

The Planning Commission will be used as a Citizen Advisory Committee (CAC) to provide oversight, guidance and feedback in the analysis/audit stage and with the recommended Comprehensive Plan and code amendments. The CAC meetings will be open to the public to allow community input.

Anticipated Outcomes

1. An updated analysis and audit of Newberg’s Development Code and Comprehensive Plan to understand where there are conflicts and problems with the current state rules. This analysis will provide a better understanding of any barriers to building needed housing in Newberg.
2. A pathway, with recommended amendments, to update the Development Code and Comprehensive Plan with clear and objective language for multifamily housing (5+ units) to meet the Needed Housing state rules and regulations per ORS 197.307. The Development Code will provide two paths: 1. Clear and Objective 2: Discretionary; providing options for development of multifamily housing in Newberg.

3. Assurance that the recommended code amendments are equitable and meet the needs of Newberg's priority populations when developing, building, and living in housing.
4. Advancing regulatory streamlining for quicker review times which may reduce the overall cost for multifamily housing projects.

Timeline:

The anticipated timeline for this project is from January 2022 to February 2023. Within the timeline are expected CAC meetings to be held with the Planning Commission. To meet these deadlines, CAC meetings may need to be held outside of the existing monthly Planning Commission meeting. This may require Planning Commission to meet more than once a month. Details of the project timeline and tasks are listed below:

- ***Jan 2022 – February 2022***
Task 1 Project Kickoff
 - Conduct orientation meeting with CAC
 - Provide overview of the project and the expected tasks from the CAC
- ***February – June 2022***
Task 2 Technical Analysis and Code Audit
 - Up to two CAC meetings
 - Identify Comprehensive Plan and Development Code problems and assess how well existing code sections satisfy state requirements and the equity and engagement goals of the project.
- ***June 2022 – January 2023***
Task 3 Draft and Final Recommended Package of Code Changes
 - Up to two CAC meetings
 - Review the draft code amendments and assess that they satisfy state requirements and the equity and engagement goals of the project.
- ***January – February 2023***
Task 4 Adoption
 - Presentation(s) and public hearing(s) before Planning Commission
 - Planning Commission will provide a recommendation to City Council for final decision on the code amendments.

Planning Commission Agenda Item Report

Meeting Date: December 9, 2021

Submitted by: Bobbie Morgan

Submitting Department: Community Development

Item Type: PC UPDATES

Agenda Section:

Subject:

Planning Commission Activities

Suggested Action:

Anticipated Schedule of Planning Commission Activities

Attachments:

[Memo Planning Commission Activities 2021.doc.docx](#)

MEMORANDUM

TO: Newberg Planning Commission
FROM: Doug Rux, Community Development Director
SUBJECT: Anticipated Schedule of Planning Commission Activities
DATE: December 9, 2021

To assist the Planning Commission in gauging activities for FY 21/22 below is a preliminary schedule of activities.

December 9, 2021

- Briefing DLCD Grant – Code Audit – Items from Staff (*Tentative*)

January 13, 2022

- Election Chair & Vice Chair
- CUP Vacation Rental – 709 E Franklin Street - Quasi Judicial Hearing (*Tentative*)
- CUP Vacation Rental – 1400 N Hoskins Street - Quasi Judicial Hearing (*Tentative*)

February 10, 2022

- TBD

March 10, 2022

- EOA Comp Plan Amendment - Legislative Hearing (*Tentative*)
- HNA Comp Plan Amendment- Legislative Hearing (*Tentative*)
- Public- Semi Public Comp Plan Amendment - Legislative Hearing (*Tentative*)
- Urban Renewal Plan and Report

April 14, 2022

- West End Mill District Comprehensive Plan Text Amendment, Comprehensive Map Amendment/Zoning – Quasi Judicial Hearing (*Tentative*)
- TBD

May 12, 2022

- TBD

June 9, 2022

- TBD

There are additional activities the Community Development Department may bring forward to the Planning Commission for consideration for land use cases. Staff is also looking at various updates and cleanup actions to the Development Code such as:

1. Appendix A revisions roadway cross-sections
2. Subdivision 4016 N College Street
3. Tentative – Military Banner Sign Regulations – Legislative
4. Institutional Zone Development Code Changes
5. Residential Parking Standards
6. Annexation criteria
7. Stream Corridor Adjustment process
8. Urban Forestry program
9. Fences in Industrial zones
10. Parking for subdivisions/partitions/design review
11. C-3 zone – reduce front yard landscaping from 10 feet to 5 feet
12. Industrial outdoor storage
13. Downtown sign point system
14. Vacation home rentals
15. Roof top mechanical unit screening
16. Historic review process
17. Zoning Use Table
18. Undergrounding utilities
19. Driveway width
20. Home occupations
21. 15.405.030B – “The creation” ~~development~~ of lots under 15,000 sf.....
22. 15.302.010 – add R-4 to the list
23. Replace parking diagrams in 15.440.070 for readability
24. Replace airport overlay diagrams in back of Dev. Code for readability
25. Temporary Merchant standards
26. Food Carts